

**OPEN MINUTES**  
**Missouri State Board of Chiropractic Examiners**  
**September 19, 2002 – 8:00 a.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard - Jefferson City, Missouri**

The Missouri State Board of Chiropractic Examiners was called to order in open session at 8:18 a.m., on September 19, 2002 by Dr. Mary Holyoke, Board President at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

**Members Present:**

Mary A. Holyoke, D.C., President  
Larry J. Lovejoy, D.C., Secretary (Joined the meeting at 9:37 a.m.)  
Lawrence Gerstein, D.C.  
Lee Richardson, D.C.  
Charles Klinginsmith, D.C.  
Charlotte Castillon Hill, MA, Public Member

**Staff Present:**

Loree Kessler, Executive Director  
Jeanette Stuenkel, Executive I  
Greg Mitchell, Legal Counsel

**Visitors**

Dr. Gary Carver (via telephone conference call)  
Dr. Jim Scott (MSCA)  
Barb Cronin (Logan Chiropractic College)

A motion was made by Dr. Richardson and seconded by Dr. Gerstein to approve the open session agenda adding a discussion regarding item #11 of the open agenda addressing the HIPAA filing deadlines. Board members voting aye; Dr. Gerstein, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

A motion was made by Ms. Castillon Hill and seconded by Dr. Richardson to approve the open session minutes with amendments as follows; mail ballot May 16, 2002, mail ballot May 20, 2002, mail ballot May 30, 2002, board meeting June 13, 2002, mail ballot June 18, 2002, mail ballot June 19, 2002, mail ballot June 28, 2002, mail ballot July 5, 2002, conference call July 8, 2002, mail ballot July 9, 2002, mail ballot July 12, 2002, mail ballot July 19, 2002, mail ballot July 26, 2002, and mail ballot August 2, 2002. Board members voting aye; Dr. Gerstein, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

**Financial Report**

The executive director provided an overview of board finances over fiscal year 2002 as well as projections for the next several years. Incoming review was higher than projected and expenditures were lower due to sharing resources with other regulatory boards. If the board is able to maintain the revenue and expenditure levels of fiscal year 2002 there will be no need for

a fee increase for the next several years. A motion was made by Dr. Gerstein and seconded by Dr. Klinginsmith to approve the financial report. Board members voting aye; Dr. Gerstein, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

Dr. Lovejoy joins the meeting.

<b>Missouri State High School Activities Association</b> – The board discussed the results of the meeting. Dr. Scott from the MSCA reported that it was his understanding that the MSHSAA may consider appointing a chiropractor to a subcommittee. The executive director was instructed by the board to follow up with the MSHSAA and the state association.
<b>Legislation</b> – The board instructed the executive director to work with counsel on developing language regarding record keeping and inactive status using the legislative language of Senate Bills 1182 and 1024.
<b>Out of State Travel</b> – The executive director provided an update on changes in travel requirements and meal reimbursement.
<b>Massage Therapist and Chiropractic</b> – The executive director provided information relating to the number of massage therapists and massage therapy businesses that are licensed or pending licensure. Additionally, the executive director provided statistics on the progress of acupuncture licensure.
<b>Life University</b> – The executive director was instructed to work with counsel on drafting a response explaining that CCE accreditation is required for graduates of chiropractic programs. Thus, if Life University lost CCE accreditation graduates would be eligible to apply for licensure in Missouri up to the date such accreditation ended..
<b>Treatment Concerns</b> <ul style="list-style-type: none"><li>• <b>Teleradiology</b> – The board asked counsel to review the statute concerning the authority to regulate this area. In the event the board does not have the appropriate statutory authority to promulgate regulations in this area, legislation should be drafted by staff and counsel for consideration at the next meeting.</li></ul>
• <b>Dynamic Chiropractic Article</b> – The executive director was instructed to send a letter to the company outlining concerns regarding the advertisement.
• <b>Laser Technology</b> – The executive director was instructed by the board to obtain information regarding the use of cold lasers by chiropractors. Contacts included Dr. Yenni and Dr. John Amaro (AZ) as well as the Federation .
<b>2003 Renewal Forms</b> – The board reviewed the forms for licensure renewal and instructed the executive director to proceed with printing the renewals. It was noted that the target date for mailing renewals is the week of October 14 <sup>th</sup> .
<b>MSCA 2002 Annual Meeting</b> - Dr. Lovejoy and Dr. Richardson attended the meeting and reported that there was discussion regarding legislation involving the practice act, parity for insurance coverage, and law legislation. No official action taken by the board.
The next meeting of the association is October 19 <sup>th</sup> . Ms. Kessler indicated that she would be unable to attend because of a schedule conflict. Dr. Richardson and Dr. Lovejoy were uncertain if either would be able to attend the October meeting.
<b>A. Rand Olson, D.C.</b> – The executive director was instructed to inform Dr. Olson that his question dealt with billing and insurance and he may want to seek private counsel.

**Masaaki Sano, D.C.** – A motion was made by Dr. Klinginsmith and seconded by Ms. Castillon Hill to approve Dr. Sano's request to accept the continuing education obtained in Japan. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, Dr. Klinginsmith and Dr. Richardson. Motion carried unanimously.

**Joseph Lane, D.C.** – The board instructed the executive director to thank Dr. Lane for contacting the board regarding HIPAA deadlines.

**Tom Curnutte, D.C.** – The board also reviewed a request concerning seminars on HIPAA compliance to be facilitated by Dr. Curnutte. The board determined it couldn't endorse any seminar or course. However, the board indicated it appreciated Dr. Curnutte's efforts to provide chiropractors compliance information.

Based upon the discussion and correspondence the board instructed the executive director to mail a copy of the HIPAA compliance overview and form to file an extension to all Missouri licensed chiropractors.

**National Board of Chiropractic Examiners** – Dr. Holyoke and Dr. Richardson stated they would assist with the administration of the Part IV Exams November 15-17 at Logan College. Ms. Kessler and Ms. Stuenkel will work at the exams also.

Dr. Gerstein provided an update on the acupuncture examination being developed by NBCE and explained that the next step would be the development of questions for the examination and that NBCE hoped to start test administration in 2003.

The board instructed the executive director and counsel to draft language for the regulations requiring the acupuncture examination. Such language would be discussed at the November board meeting.

**Martin M. Powers, D.C.** - The board instructed the executive director to advise Dr. Powers that the use of barium for diagnostic purposes is outside the scope of practice as defined in the statute.

**Council on Chiropractic Education** – The board reviewed information from CCE regarding changes to standards and made no recommendations.

At 10:07 a.m., a motion was made by Dr. Gerstein and seconded by Dr. Richardson to convene in closed session pursuant to section 620.010 subsection (14), paragraph (7) for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation, and any confidential or privileged communication between this agency and its attorney and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsections of 610.021 which authorized this agency to go into closed session during those meetings. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

At 10:08 the board took a recess and reconvened in closed session at 10:15 a.m.

At 3:50 p.m. a motion was made by Dr. Lovejoy and seconded by Dr. Gerstein to convene in open session. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.

The board discussed the mailing of the HIPAA information to licensees and asked that the materials contain the web site as well.

At 3:52 p.m., a motion was made by Dr. Gerstein and seconded by Dr. Lovejoy to adjourn the meeting. Board members voting aye; Dr. Gerstein, Dr. Lovejoy, Ms. Castillon Hill, Dr. Klinginsmith, and Dr. Richardson. Motion carried unanimously.



Executive Director

Approved by the Board on November 21, 2002